

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIANOV 19 AM 10:18
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,
)
 v.
)
 Jose BUENO)
)
 Defendant.
)
)

'07 MJ 2687
Magistrate Case No. PDC DEPUTY

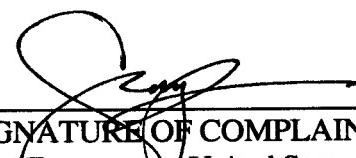
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 16, 2007**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Jose BUENO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Raul GUTIERREZ-Guerra**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagosa, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19TH DAY OF November, 2007.



J.M. Deller
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

The complainant states that **Raul GUTIERREZ-Guerra** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 16, 2007 at approximately 0441 hours, **Juan BUENO (Defendant)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry vehicle entrance lane. Defendant was the sole visible occupant and driver of a red Ford F-250 truck. Defendant approached a U.S. Customs and Border Protection (CBP) Officer and stated that he was the owner of the vehicle but had not registered it in his name. Defendant also stated that he was not bringing anything from Mexico and that he was going to his place of employment in Vista, California. During a vehicle inspection, the primary officer noticed the rear seat was higher than factory constructed and escorted the Defendant and vehicle to secondary for further inspection.

In secondary, CBP officers removed the rear seat by pushing the levers that were keeping the seat locked in place and discovered two undocumented aliens concealed in a non-factory compartment. CBP officers extracted a female minor and an adult male who were determined to be citizens of Mexico without entitlements to enter the United States. The adult male is now identified as **Raul GUTIERREZ-Guerra (Material Witness)**.

During a videotaped proceeding Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview Defendant admitted knowledge that a person was concealed in the vehicle. Defendant admitted he made the smuggling arrangements with a smuggler named "Tony". Defendant admitted he was to receive \$400.00 U.S. dollars as compensation for smuggling the undocumented aliens. Defendant admitted he was to transport the undocumented aliens to the Church's Chicken Restaurant located in San Ysidro, California.

A videotaped interview was conducted with Material Witness. Material Witness stated that he is a citizen of Mexico and that he has no documents to lawfully enter the United States. Material Witness stated that he made arrangements with an unknown smuggler in Mexico and was to pay \$2,500.00 U.S. dollars to be smuggled into the United States. Material Witness stated he intended to travel to Los Angeles, California to seek employment.

EXECUTED ON THIS 16th DAY OF NOVEMBER 2007 AT 1700 HOURS.



S. Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on November 16, 2007 in violation of Title 8, United States Code, Section 1324.



MAGISTRATE JUDGE

11/17/07 11:39 a.m.

DATE / TIME